

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C-06-4431 MHP

E.K. WADE,

Plaintiff(s),

vs.

CALIFORNIA ATTORNEY GENERAL BILL
LOCKYER and CALIFORNIA DEPARTMENT OF
JUSTICE,

Defendant(s).

**ORDER RE
SCHEDULING**

This court has received notice that there may be a question of proper service of process in this action and that plaintiff already has filed a motion for summary judgment. This matter is now set for a Case Management Conference (“CMC”) on January 8, 2007 at 3:00pm before this court with a joint CMC statement due on or before January 2, 2007.

At the CMC the court will take up the issues of service of process and scheduling of further proceedings. It is undoubtedly premature to entertain a motion for summary judgment since no CMC or other preliminary proceedings have been conducted. Therefore, the date for which plaintiff filed his motion is vacated and no motions shall be filed until the court has conducted the CMC on January 8, and set a schedule for proceedings in this action.

Plaintiff also is advised that a motion may not be noticed for less than thirty-five (35) days from the date of service of the motion. Thus, even if the motion was permissible at this stage it failed to comply with Civil Local Rule 7-2(a).

1 In accordance with the foregoing, the parties shall appear before this court at the CMC on
2 January 8 at 3:00pm and comply with the filing of the CMC statement requirement.

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4 IT IS SO ORDERED.

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6 Date: December 27, 2006



MARILYN HALL PATEL
Judge
United States District Court
Northern District of California

ENDNOTES

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